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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,265

06/13/2006

Lothar Vorreau

HKH-25PCT

6745

40570

7590

06/25/2009

FRIEDRICH KUEFFNER

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EXAMINER

NGUYEN, JIMMY T

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

06/25/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,265	<b>Applicant(s)</b> VORREAU ET AL.	
	<b>Examiner</b> JIMMY T. NGUYEN	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 27, 2009 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-5, 7-8, and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasenbein (EP 1240997A2) in view of Hiller (US 3,191,521).**

Hasenbein discloses a press cage bar(10) for a device for expressing liquids (fig. 2), which is bounded by at least one pressing edge in an area of a wear surface of a hard layer (fig. 1) and which, in the area of at least one lateral face of the body of the cage bar, has at least one spacer (13) that is raised above the lateral face, wherein the spacer (13) is formed as a deposit on the lateral face (fig. 2) of the cage bar (10); that the spacer (13) is provided with a certain bottom clearance (fig. 2) from the underside (fig. 1) of the cage bar (10), which is on the opposite side of

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the cage bar from the wear surface (fig. 1); that the spacer (13) extends along the lateral face (fig. 2) no farther than to the hard layer (fig. 1); that the extent of the spacer (13) transversely to a longitudinal axis (fig. 2) of the lateral face (21) is greater than its extent in the direction of the longitudinal axis (fig. 2) of the lateral face (fig. 2); and that the spacer (13) has increasing thickness (fig. 1) perpendicular to the lateral face (fig. 1) in a direction extending from the hard layer towards the underside of the cage bar (fig. 1). The spacer (13) has a certain amount of top clearance from the hard layer (fig. 1). The end of the spacer (13) that faces the hard layer has a rounded contour (fig. 2). The end of the spacer (13) that faces away from the hard layer has a rounded contour (fig. 2). The spacer (13) has an essentially elongated oval shape (fig. 2). The longitudinal axis of the spacer (13) extends essentially transversely to the longitudinal axis of the lateral face (fig. 2). At least two spacers are arranged on the lateral face with a separation between them (fig. 2). The spacer is shaped so that a spacing region between neighboring case bars extends and increases from the hard layer in the direction of the underside (see fig. 2). As to a surface of the spacer that face away from the lateral face is ground, Hasenbein does not expressly disclose how the spacers being made/formed into the shape as noted above. However, Hiller teaches that it is old and well known to grind spacers (29) of a press cage bar (30) of a fluid expressing device (fig. 2) in order to insure that the same all have their outer faces lying in the same plane so that rigid seats are provided for spacers of adjacent cage bars (col. 5, lines 63-68). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to grind the spacers of Hasenbein, as taught by Hiller, in order to insure that the same all have their outer faces lying in the same plane so that rigid seats are provided for spacers of adjacent cage bars (col. 5, lines 63-68).

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**Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasenbein and Hiller, as applied to claims 1 and 10 above, further in view of Wetmore (US 4,355,589).**

Hasenbein, as modified by Hiller, discloses the invention substantially as claimed as set forth above. Hasenbein does not expressly disclose the material of the spacer contains chromium carbide. However, the patent to Wetmore, teaches that it is old and well known in the art to make a spacer in a material of chromium carbide (claim 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the spacer of Hasenbein with the material of chromium carbide, as taught by Wetmore, since such material for a spacer is old and well known in the art, and such material would provide abrasion resistant, thus improve the life of the spacer.

### ***Response to Arguments***

Applicant's arguments filed March 16, 2009 and October 30, 2008 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JIMMY T. NGUYEN whose telephone number is (571)272-4520. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm with alternating Fri. 7:30am-4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272- 4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen  
June 23, 2009

/Jimmy T Nguyen/  
Primary Examiner, Art Unit 3725